

ORDINANCE NO. 73-16

BY: **DEBORAH LIME**  
(By Request – Safety Director)

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF PARMA, PART SIX GENERAL OFFENSES CODE, CHAPTER 618 ANIMALS, SECTIONS 618.11 AND 618.21, AND CHAPTER 961 PARKS AND RECREATION FACILITIES, SECTION 961.02, AUTHORIZING A NUISANCE ABATEMENT INITIATIVE FOR BOTH SHORT TERM AND LONG TERM CONTROL AND REDUCTION OF THE WHITE-TAILED DEER POPULATION IN COORDINATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND CONTIGUOUS, ADJOINING, POLITICAL SUBDIVISIONS THAT OPT TO ADOPT A SIMILAR PLAN FOR NUISANCE ABATEMENT, AND DECLARING AN EMERGENCY

WHEREAS, the white-tailed deer population in urban areas has grown to unmanageable numbers; and,

WHEREAS, as a consequence thereof great financial loss has been suffered by public and private property owners, in the destruction of plans, flowers, trees and other edible landscaping; and,

WHEREAS, deer/vehicle accidents increase annually and threaten the lives and property of all those who travel by vehicle on our streets and highways; and,

WHEREAS, while hunting in the City of Parma is prohibited, the exploding regional deer population requires deer management efforts; and,

WHEREAS, this Council finds that the existing circumstances constitute an ongoing and serious nuisance which must be abated for the public health, safety and welfare; and,

WHEREAS, the Mayor and the Administration, working in conjunction with the Ohio Department of Natural Resources and in coordination with other similarly situated municipalities, seek to establish a “nuisance abatement initiative” to allow for the liberal issuance of permits from both the Ohio Department of Natural Resources and the municipal police department (deer damage control permits) with the consent of and upon the application of property owners seeking relief; and,

WHEREAS, it is therefore necessary to amend the Codified Ordinances of the City of Parma, Part Six General Offenses Code, Chapter 618 Animals, Sections 618.11 and 618.21 and Part Nine Streets and Public Services Code, Section 961.02, to permit the limited hunting of white-tailed deer by cross bow or long bow under terms and conditions established by the municipality;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. Notwithstanding any other provision of this code to the contrary, Sections 618.11; 618.21; and 961.02 of the Codified Ordinances of the City of Parma, are amended as follows:

Ord. amending the Codified Ordinances of the City of Parma authorizing a nuisance abatement initiative for both short term and long term control and reduction of the white-tailed deer population, and declaring an emergency

618.11 HUNTING OR TRAPPING PROHIBITED.

(a) No person shall hunt or trap animals or fowl within the municipality, except **as follows:**

(1) Animal control officers, health officials, persons possessing a nuisance trapping permit issued by the Division of Wildlife of the State of Ohio, and a resident using box trapping on property which he or she owns or permanently occupies may trap wildlife or animals constituting a nuisance;

(2) **The limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:**

(a) **The Police Chief or his designated representative may, in his sole discretion, issue a Municipal Deer Control Permit to a qualified archer applicant (engaged to assist property owners aggrieved by deer damage);**

(b) **As a corollary to and following the issuance by the Ohio Department of Natural Resources of its own Deer Damage Control Permit or license to allow only bow-hunting (long bow and crossbow) of white-tailed deer;**

(c) **In areas of not less than five (5) contiguous acres by a qualified archer, on such forms and subject to such rules and regulations as the Chief may prescribe;**

(d) **Hunting shall be conducted from an elevated platform only;**

(e) **Written permission from the property owner(s) has been obtained;**

(f) **Qualified archer shall be defined as an individual having obtained an approval/certification from approved archery proficiency test site, valid Ohio hunting license, if applicable, and all other state requirements.**

(g) **Compliance with all laws, rules and regulations of the City and State;**

(h) **All applicants shall agree, in writing, to defend and indemnify the City for any negligent acts committed by the applicant.**

(i) **Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police.**

(j) **Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulation necessary to insure public health and safety.**

(b) A person holding a nuisance trapping permit issued by the Division of Wildlife of the State of Ohio shall:

(1) Notify the animal control officer or the Police Department of his name, the location and time of placement of each trap placed in the municipality prior to setting such trap;

(2) Use a box trap or a trap approved by the Division of Wildlife of the State of Ohio;

(3) Release such animal outside the City limits within 24 hours of trapping or in accordance with the State of Ohio, Division of Wildlife regulations.

(c) Whoever violates any provision of this section is guilty of a misdemeanor of the **first degree and shall be subject to the penalty provided in Section 698.02.**

#### 618.21 HUNTING PROHIBITED.

(a) The hunting of animals or fowl within the municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means, except **the limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:**

- (1) **The Police Chief or his designated representative may, in his sole discretion, issue a Municipal Deer Control Permit to a qualified archer applicant (engaged to assist property owners aggrieved by deer damage);**
- (2) **As a corollary to and following the issuance by the Ohio Department of Natural Resources of its own Deer Damage Control Permit or license to allow only bow-hunting (long bow and crossbow) of white-tailed deer;**
- (3) **In areas of not less than five (5) contiguous acres by a qualified archer, on such forms and subject to such rules and regulations as the Chief may prescribe;**
- (4) **Hunting shall be conducted from an elevated platform only;**
- (5) **Written permission from the property owner(s) has been obtained;**
- (6) **Qualified archer shall be defined as an individual having obtained an approval/certification from approved archery proficiency test site, valid Ohio hunting license, if applicable, and all other state requirements.**
- (7) **Compliance with all laws, rules and regulations of the City and State;**
- (8) **All applicants shall agree, in writing, to defend and indemnify the City for any negligent acts committed by the applicant.**
- (9) **Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police.**
- (10) **Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulation necessary to insure public health and safety.**

(b) Whoever violates this section is guilty of a misdemeanor of the **first degree** and shall be subject to the penalty provided in Section 698.02.

#### 961.02 PARK PROPERTY.

...  
(c) Wild Animals, Birds, Etc.

(1) Hunting. **Subject to the below exception,** no person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird, nor shall any person remove or have in his possession the young or any wild animal or the eggs, nest or young of any reptile or bird, nor shall any person collect, remove, have in his possession, give away, sell or buy or offer to sell or buy, or accept as a gift, any specimen, alive or dead, of any of the group of tree snails. However, snakes known to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes or other deadly reptiles, may be killed on sight.

Ord. amending the Codified Ordinances of the City of Parma authorizing a nuisance abatement initiative for both short term and long term control and reduction of the white-tailed deer population, and declaring an emergency

**Exception: the limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:**

- (a) The Police Chief or his designated representative may, in his sole discretion, issue a Municipal Deer Control Permit to a qualified archer applicant (engaged to assist property owners aggrieved by deer damage);**
- (b) As a corollary to and following the issuance by the Ohio Department of Natural Resources of its own Deer Damage Control Permit or license to allow only bow-hunting (long bow and crossbow) of white-tailed deer;**
- (c) In areas of not less than five (5) contiguous acres by a qualified archer, on such forms and subject to such rules and regulations as the Chief may prescribe;**
- (d) Hunting shall be conducted from an elevated platform only;**
- (e) Written permission from the property owner(s) has been obtained;**
- (f) Qualified archer shall be defined as an individual having obtained an approval/certification from approved archery proficiency test site, valid Ohio hunting license, if applicable, and all other state requirements.**
- (g) Compliance with all laws, rules and regulations of the City and State;**
- (h) All applicants shall agree, in writing, to defend and indemnify the City for any negligent acts committed by the applicant.**
- (i) Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police.**
- (j) Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulation necessary to insure public health and safety.**
- (k) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.**

Section 2. In order to defray the expenses incurred with the management of this program, a fee of \$150.00 per qualified archer applicant is established and must accompany any application for the Municipal Deer Control Permit.

Section 3. The City in cooperation with ODNR and the Division of Wildlife will explore and strive to adopt long term non-lethal options for deer population control including but not limited to contraception, sterilization, relocation and/or such other methods as may provide the necessary relief in non-lethal methods and on a cost-effective basis.

Section 4. No other method for the control of the deer population is permitted other than such as is authorized herein; all other provisions of the Codified Ordinances of the City of Parma not specifically modified herein shall remain unaffected by these measures and fully enforceable.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that this measure is necessary in order to make the amendments to the Code to reduce and control the over-population of white-tailed deer in the municipality, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_ PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
CLERK OF COUNCIL

FILED WITH  
THE MAYOR: \_\_\_\_\_ MAYOR, CITY OF PARMA, OHIO